

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOSEPH W. COLLINS,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-18-286-D
)	
STATE OF OKLAHOMA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Upon initial screening, Judge Erwin recommends that a pleading entitled “Writ of Mandamus” [Doc. No. 1] be treated as a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and that it be summarily dismissed for failure to exhaust state court remedies and based on *Younger*¹ abstention.

The case file shows no timely objection to the Report nor request for an extension of time to object, even though Petitioner was expressly informed of the deadline for filing an objection, the procedure for doing so, and the consequences of failing to object. Therefore, the Court finds that Petitioner has waived further review of all issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For the

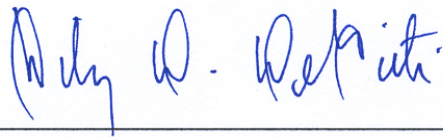
¹ *Younger v. Harris*, 402 U.S. 37 (1971).

reasons explained by Judge Erwin, the Court finds that this action should be dismissed without prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is ADOPTED in its entirety. The Petition is DISMISSED WITHOUT PREJUDICE to a future filing. A separate judgment of dismissal shall be entered.

IT IS FURTHER ORDERED that the Order Granting Leave to Proceed *In Forma Pauperis* [Doc. No. 7] is AMENDED to the extent that the requirement to pay the filing fee pursuant to 28 U.S.C. § 1915(b)(1) is vacated. No payments are required.

IT IS SO ORDERED this 31st day of May, 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE